

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

GARY C. TANNER, ) CASE NO. C07-0713-JCC-MAT  
Plaintiff, )  
v. ) ORDER RE: MOTION FOR LEAVE  
DR. KENNEY, et al., ) TO FILE AMENDED COMPLAINT  
Defendants. ) AND MOTION FOR APPOINTMENT  
 ) OF COUNSEL

Plaintiff, proceeding *pro se* and *in forma pauperis* (IFP), filed a Motion for Leave to File an Amended Complaint (Dkt. 18) and a Motion for Appointment of Counsel (Dkt. 19) in this 42 U.S.C. § 1983 action. Having considered those motions and the responses of defendants (Dkts. 20 & 22), the Court hereby finds and ORDERS:

(1) Plaintiff's motion to file an amended complaint (Dkt. 18) is GRANTED. As noted by defendants, the Court previously ordered plaintiff to file the amended complaint. (*See* Dkt. 17.)

(2) Plaintiff's motion for appointment of counsel (Dkt. 19) is DENIED. There is no right to have counsel appointed in cases brought under § 1983. Although the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding IJP, plaintiff has shown

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01 neither exceptional circumstances, nor an inability to articulate his claims *pro se* that would  
02 warrant the appointment of counsel. *See Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir.  
03 1986).

04 (3) The Clerk is directed to send copies of this Order to plaintiff, to defendants, and  
05 to the Honorable John C. Coughenour.

06 DATED this 21st day of August, 2007.

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09 Mary Alice Theiler  
10 United States Magistrate Judge  
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